

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL KRECHMER a/k/a  
"Michael Malice," an Individual,

16-CV-7820 (KBF)

*Plaintiff,*

ANDREA K. TANTAROS, an individual; and  
ASTERO, LLC, a New Jersey limited liability company,

**DECLARATION OF  
JUDD BURSTEIN**

*Defendants.*  
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I, **JUDD BURSTEIN**, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney duly admitted to practice before the Courts of the State of New York and before the Bar of this Court.
2. I submit this Declaration in support of Defendants' Motion (a) pursuant to Fed. R. Civ. P. 12(b)(1), to dismiss the Complaint ("Complaint") filed by Plaintiff Michael Krechmer ("Plaintiff") for lack of subject matter jurisdiction; (b) pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss Plaintiff's First, Second, Fourth, and Sixth Claims for Relief for failure to state a claim; (c) pursuant to Fed. R. Civ. P. 12(f)(2), to strike paragraph 40 of the Complaint as scandalous; and (d) for such other and further relief as this Court deems just and proper.
3. The purpose of this Declaration is to put before the Court certain exhibits relevant to Defendants' Motion.
4. Annexed hereto as Exhibit A is a true and accurate copy of a letter dated March 29, 2016, from Quinn Heraty, Esq. to Joseph Cane, Esq.
5. Annexed hereto as Exhibit B is a true and accurate copy of a letter dated May 27, 2016 from Mark J. Randazza, Esq. to Joseph Cane, Esq.

6. Annexed hereto as Exhibit C is a true and accurate copy of a letter dated June 7, 2016 from Mark J. Randazza, Esq. to Jonathan Burnham.

**WHEREFORE**, based on the documents annexed hereto and all other submissions, your Declarant respectfully prays for an Order (a) pursuant to Fed. R. Civ. P. 12(b)(1), dismissing the Complaint for lack of subject matter jurisdiction; (b) pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiff's First, Second, Fourth, and Sixth Claims for Relief for failure to state a claim; (c) pursuant to Fed. R. Civ. P. 12(f)(2), striking paragraph 40 of the Complaint as scandalous; and (d) for such other and further relief as this Court deems just and proper.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 19th day of October, 2016 in New York, New York.



JUDD BURSTEIN